

EXHIBIT A



Entered on Docket
October 13, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED
UPON INVESTMENT IN BAR USA LOAN**

Hearing Date: October 5, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Second Omnibus Objection of USACM Trust to
2 Proofs of Claim Based Upon Investment in BarUSA Loan,” [Docket No. 7342], (the
3 “Objection”); with appropriate notice of the Objection having been given; no response to
4 the Objection having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED:**

- 6 1. The Objection is sustained; and
7 2. The claims listed in **Exhibit A** based upon a Direct lender investment
8 in the BarUSA loan are disallowed in their entirety.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ Marvin Ruth (#10979)
12 Rob Charles
13 John Hinderaker (*pro hac vice*)
14 Marvin Ruth
15 3993 Howard Hughes Parkway, Ste. 600
16 Las Vegas, Nevada 89169-5996
17 Telephone: (702) 949-8200
18 Facsimile: (702) 949-8398
19 *Attorneys for USACM Liquidating Trust*
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
Rob Charles
John Hinderaker (*pro hac vice*)
Marvin Ruth
Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the BarUSA/\$15,300,000 Loan
10725-00486	Harkins 2001 Revocable Trust Dtd 8/23/01	Leslie & Linda Harkins Ttees 2050 Longley Ln Apt 2008 Reno, NV 89502 5360 Balazza Court Reno, NV 89519	25,000.00	25,000.00
10725-00614	Harkins 2001 Revocable Trust Dtd 8/23/01	Leslie & Linda Harkins Ttees 2050 Longley Ln Apt 2008 Reno, NV 89502 5360 Balazza Court Reno, NV 89519	25,000.00	25,000.00
10725-02230	Jocelyne Helzer Ira, First Savings Bank C/F	115 South Deer Run Rd Carson City, NV 89701	36,538.00	36,538.00
10725-00909	Joyce E Smith Trust Dated 11/3/99	C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	53,791.67	53,791.67
10725-01769	Larson, Gary & Dolores	544 Rolling Hills Dr Mesquite, NV 89027	72,247.00	72,247.00
10725-00734	Louise G Sherk Md Employee Benefit Plan Trust	C/O Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244	50,753.42	50,753.42
10725-01576	Lukito, Hendarsin & Shu S	3009 Beaverwood LN Silver Spring, MD 20906-3011	55,000.00	55,000.00
10725-00455	Machetta, James	Po Box 2242 Denver, Co 80201	50,000.00	50,000.00
10725-00421	Machetta, Joseph	Po Box 187 Brush, CO 80723	50,000.00	50,000.00
10725-01593	Mayo, Monroe	8635 W Sahara Ave #532 Las Vegas, NV 89117	25,000.00	25,000.00

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